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CrI.O.P.No.4179 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.4179 of 2025

Sekar

... Petitioner

Vs

Rajendran

... Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C., and 528 of B.N.S.S. to set aside the order passed by the Judicial Magistrate Court-I, Perambalur in CrI.M.P.No.1578 of 2024 in STC.No.488 of 2023 dated 28.11.2024 and allow the Criminal Original Petition.

For Petitioner : Mr.N.Desinghu

ORDER

This petition has been filed challenging the order dated 28.11.2024 in CrI.M.P.No.1578 of 2024 in STC.No.488 of 2023, passed by the Judicial Magistrate Court-I, Perambalur, thereby dismissing the petition filed under Section 91 of Cr.P.C. to produce the income tax returns and the



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copy of the sale deed.

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2. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the NI Act' for short) in S.T.C.No.488 of 2023. After the cross-examination of PW1, the petitioner filed a petition under Section 91 of Cr.P.C. for production of the sale deed and income tax returns and it was dismissed.

3. The learned counsel for the petitioner would submit that, while cross-examining PW1, he categorically put up questions as against the respondent about the source of income, for which he deposed that he lent the money for selling house plots. Further, the petitioner also sought the production of income tax returns.

4. Heard the learned counsel for the petitioner and perused the materials available on record.



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5. On a perusal of the records, it reveals that the petitioner did not even reply to the statutory notice issued under Section 138 of the NI Act. Therefore, while cross-examining PW1, the petitioner cannot improve his defence. Further, the income tax returns are absolutely not required to deal with the complaint under Section 138 of the NI Act. The petitioner was taking this application only to drag on the proceedings and nothing else. Therefore, the Trial Court has rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Trial Court.

6. In the result, this Criminal Original Petition is dismissed. However, the Trial Court is directed to complete the Trial within a period of six months from the date of receipt of a copy of this order.

17.02.2025

Index:Yes/No
Neutral Citation/Yes/No
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To

The Judicial Magistrate Court-I,
Perambalur.



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G.K.ILANTHIRAIYAN, J.

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